

DECISION OF THE ZONING BOARD OF APPEALS
Of the
TOWN OF WESTWOOD

PROPERTY OWNER(S): 270 University Avenue LLC

PETITIONER(S): Jonathan Verrengia on behalf of tenant Marble and Granite, Inc.
270 University Avenue
Westwood, Massachusetts 02090

LAND AFFECTED: 270 University Avenue
Map 38, Lot 007

HEARING:

The Board of Appeals for the Town of Westwood held a Public Hearing according to the General Laws of the Commonwealth of Massachusetts on Wednesday, December 15, 2021, at 7:30 PM via remote participation, to consider an application filed by Jonathan Verrengia, on behalf of Tenant Marble and Granite, for a Special Permit pursuant to the Westwood Zoning Bylaw Section §4.1.6.4 [Warehouse, wholesale or distribution facility with outdoor storage]. The application proposes an outdoor storage area to display materials for customers on the side of the existing building. The property is located in the Industrial (I) zoning district.

BOARD MEMBERS: John Lally
Michael McCusker
Linda Walsh

APPLICABLE SECTIONS IF THE WESTWOOD ZONING BYLAW

PRINCIPAL USE	DISTRICTS													
	SRA	SRB	SRC	SRD	SRE	GR	SR	I.BA	LBB	IIB	I	IO	ARO	
4.1.6 INDUSTRIAL USES														
4.1.6.1 Earth Material Movement per Section 7.1	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
4.1.6.2 Light Manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	
4.1.6.3 Warehouse, wholesale or distribution facility without outdoor storage	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	
4.1.6.4 Warehouse, wholesale or distribution facility with outdoor storage	N	N	N	N	N	N	N	N	N	BA	BA	BA	N	
4.1.6.5 Manufacturing	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	
4.1.6.6 Junkyard or Automobile Graveyard	N	N	N	N	N	N	N	N	N	N	N	N	N	
4.1.6.7 Research and Development	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	
4.1.6.8 Self-Storage or Mini-Storage Facility per Section 7.6	N	N	N	N	N	N	N	N	N	PB	PB	PB	N	
4.1.7 OTHER USES														
4.1.7.1 Pay-to-Park Outdoor Parking Facility	N	N	N	N	N	N	N	BA	BA	BA	BA	BA	N	
4.1.7.2 Parking Garage	N	N	N	N	N	N	N	N	N	N	N	N	BA	
4.1.7.3 Drive-Through Service	N	N	N	N	N	N	N	BA	BA	BA	BA	BA	BA	
4.1.7.4 Temporary Structure, building or use not in conformance with this Bylaw, but not for more than one (1) year, or extended over more than a total of three (3) years.	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	

FINDINGS

In consideration of all the testimony and exhibits and documents submitted before the Board, the Board makes the following findings of fact:

1. The Subject Property is located at 270 University Ave within the Industrial (I) Zoning District. Marble and Granite operates a retail/wholesale operation at the property involving the sale of marble and granite slabs.
2. On October 4, 2021, the Building Commission issued a Violation Notice to Marble and Granite for storing materials and sales products outside on the Subject Property without a valid Special Permit.
3. Outdoor storage is allowed in the Industrial District only upon the issuance of a Special Permit pursuant to Section §4.1.6.4. The Board of Appeals is the Special Permit Granting Authority.
4. The Petitioner proposes an outdoor storage area, to display materials for customers in the areas highlighted in yellow on the plan as attached hereto as "Exhibit A".

5. Any adverse effects of the Petitioners' proposed construction will not outweigh its beneficial impact to the Town, or the neighborhood, in view of the particular characteristics of the site and the proposal in relation to that site.
6. The Petitioners' proposal will not have a material adverse effect on the value of the land and buildings in the neighborhood, or on amenities thereof, or be detrimental to the normal use of the adjacent property, and it will not be injurious or dangerous to the public health or hazardous because of traffic congestion, or other reason, and any adverse effects of the proposed use do not outweigh its beneficial aspects, all in view of the particular characteristics of the site and of the proposal in relation to that site.
7. The Petitioner has met all the requirements for a Special Permit pursuant to the Westwood Zoning Bylaw.

DECISION and CONDITIONS

The Board of Appeals voted unanimously to grant the Petitioner's request for a Special Permit pursuant to Section §4.1.6.4 of the Westwood Zoning Bylaw subject to the following conditions:

1. The Project shall be pursued in full conformity with the site plan attached to the decision as "Exhibit A".
2. The Petitioner shall obtain a signed Property Authorization Letter and shall upload said letter to the electronic application file.
3. The Petitioner shall obtain Administrative Environmental Impact & Design Review (EIDR) Approval, which shall include a suitable landscape plan, and the Petitioner shall comply with all conditions of said approval.
4. The Petitioner shall ensure that all A-frame slab holders are level and shall install sufficient gravel to provide adequate pedestrian access to and around all outdoor display areas.
5. The Petitioner shall implement and carry out a Safety Plan which includes procedures for blocking pedestrian and vehicular access in and around display areas during loading, unloading, and moving of slabs. Said Safety Plan shall sufficiently address the outdoor display and storage of materials in all inclement weather conditions, including high wind, and shall include adequate procedures for the removal of snow and ice from all display areas.
6. No more than 26 slabs shall be displayed and/or stored outdoors on the premises at any one time.
7. This Special Permit shall not take effect until a copy of the Decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and either that no appeal has been filed or that an appeal has been filed with in such time period is recorded in the Registry of Deeds and indexed under the name of the property owner of record and the parcel address. A copy of these recordings shall be provide to the Building Commissioner, Town Clerk and the Board of Appeals.

8. **The person exercising rights under duly appealed special permit does so at risk that a court will reverse the permit and any construction performed under the permit may be ordered to be undone.**
9. This Special Permit shall lapse within a specified period of time, of not more than two (2) years, which shall not include such time required to pursue or await the determination of the appeal referred to in Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in case of a permit for construction, if construction has not begun by such date except for good cause. Prior to expiration of the Special Permit, the Petitioner may apply for an extension of the Special Permit for a period not to exceed one (1) year if the substantial construction or use thereof has not commenced for good cause.

RECORD OF VOTE


The following members of the Board of Appeals voted in favor of the Petitioner's request for a Special Permit: John Lally, Michael McCusker and Linda Walsh.

The following members of the Board of Appeals voted in opposition to the Petitioner's request for a Special Permit: None.



WESTWOOD TOWN CLERK
RCUD 2021 DEC 30 AM 8:27


WESTWOOD ZONING BOARD OF APPEALS



John Lally



Michael McCusker



Linda Walsh

12/29/21
Date

270 University Avenue